

**PLANNING AND ZONING BOARD**  
**MAY 12, 2004**

**1. ROLL CALL**

The meeting was called to order at 7:02 p.m. Board members present were Chair Mike Bender, Vice-Chair Mimi Turin, Casey Lee, Scott McLaughlin and John Stevens. Also present were Attorney Andre Parke, Planning Supervisor Marcie Nolan and Board Secretary Janet Gale recording the meeting.

**2. APPROVAL OF MINUTES: March 10, 2004**

Mr. Stevens made a motion, seconded by Mr. McLaughlin, to approve the minutes of March 10, 2004. In a voice vote, all voted in favor. **(Motion carried 5-0)**

**3. PLAT**

3.1 P 7-2-03, Spear Plat and Varat Plat, 8550 Stirling Road (R-1)

Bill Laystrom, representing the petitioner, was present. Ms. Nolan read the planning report.

Mr. Stevens made a motion, seconded by Vice-Chair Turin, to approve. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Turin – yes; Ms. Lee – yes; Mr. McLaughlin – yes; Mr. Stevens – yes. **(Motion carried 5-0)**

**4. PUBLIC HEARINGS**

4.1 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE OFFICIAL ZONING MAP FOR ZONING CONFORMANCE AREA 1 AND 2 AS REQUIRED BY THE TOWN OF DAVIE LAND DEVELOPMENT CODE; PROVIDING FOR REZONING OF ALL PROPERTY IN THE TOWN'S ZONING CONFORMANCE AREA 1 AND 2 IN CONFORMANCE WITH THE ZONING DESIGNATIONS CONTAINED ON THE OFFICIAL ZONING MAP OF THE TOWN OF DAVIE; AND PROVIDING FOR AN EFFECTIVE DATE **(tabled from April 14, 2004) (Staff requesting a tabling to May 26, 2004)**

Chair Bender advised that staff had requested that this item be withdrawn. A memorandum to this effect had been distributed.

Mr. McLaughlin made a motion, seconded by Vice-Chair Turin, to withdraw this item. In a voice vote, all voted in favor. **(Motion carried 5-0)**

*Rezoning*

4.2 ZB 3-2-04, Doumar, Allsworth, et al./B&R Real Estate Services, LLC., 6650 Nova Drive (from B-1 to B-2) **(tabled from April 28, 2004)**

John Voigt and Sev Rodriques, representing the petitioner, were present. Ms. Nolan summarized the planning report and provided recent background information.

Mr. Voigt presented the viewpoint that the gas station existed since 1980 and that the surrounding residential property had been built subsequent to its existence. He argued that although it had been closed due to bankruptcy, its use through appearance had been visually maintained. Mr. Voigt explained that since the Code had been amended, this rezoning request

and the variance request were both necessary in order to continue with the same established use.

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Mr. Voigt discussed the uses that were presently allowed and pointed out how they would be impractical at this site. He added that removing the underground tanks would be a very expensive project and as a practical matter, a closed gas station existed now and he believed it would be far better to improve the site and bring everything up to Code. Mr. Voigt indicated that the applicant would be willing to deed restrict the property only for a convenience store and fuel pumps.

A question was raised about the adjoining vacant land located to the west and Mr. Rodriques indicated that the owner of that property had been contacted and it was not for sale. Mr. Voigt provided a landscape plan for the Board's review.

Chair Bender asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

Board members deliberated the pros and cons of this proposal, asked questions and expressed their concerns. Mr. McLaughlin asked Mr. Rodriques if he was also willing to restrict the hours of operations and thereby the noise levels for the benefit of the neighboring residences. Mr. Rodriques indicated that he would be willing to restrict the hours of operation from 6 a.m. to 12 midnight. Mr. McLaughlin asked if the applicant would agree not to apply for any additional variances over and above what had currently been presented. Mr. Voigt indicated that it was "pretty much agreed to" when the application was filed as it had been thoroughly discussed with staff. Vice-Chair Turin maintained that she was uncomfortable with having gas tanks close to residences. She also expressed that on the basis of the disruption of use of the facility for more than 90 days, she believed it did not meet the criteria for this request.

Ms. Lee made a motion, seconded by Mr. McLaughlin, to approve subject to deed restrictions which would restrict from any other uses except for what the parcel was used for now; that hours of operation were limited to 6 a.m. to midnight; that the site would be "revamped"; and, that there be no additional variance applications. In a roll call vote, the vote was as follows: Chair Bender - yes; Vice-Chair Turin - no; Ms. Lee - yes; Mr. McLaughlin - yes; Mr. Stevens - yes. **(Motion carried 4-1)**

*Variance*

4.3 V-3-1-04, Doumar, Allsworth, et al./B&R Real Estate Services, LLC., 6650 Nova Drive (B-1) **(tabled from April 28, 2004)**

John Voigt, representing the petitioner, was present. Ms. Nolan summarized the planning report.

Mr. Voigt asked that the Board "adopt" everything that had been said in the previous item and that he would make the same representations and promises.

Chair Bender asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

Mr. McLaughlin made a motion, seconded by Ms. Lee, to approve. In a roll call vote, the vote was as follows: Chair Bender - yes; Vice-Chair Turin - no; Ms. Lee - yes; Mr. McLaughlin - yes; Mr. Stevens - yes. **(Motion carried 4-1)**

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*Special Permit*

4.4 SE 2-1-04, Dominguez, 11501 SW 17 Street (R-1) **(tabled from April 28, 2004)**

Chair Bender advised that he had a memorandum from staff requesting that this item be tabled to May 26, 2004. Vice-Chair Turin so moved, seconded by Mr. Stevens. In a voice vote, all voted in favor. **(Motion carried 5-0)**

**5. OLD BUSINESS**

There was no old business discussed.

**6. NEW BUSINESS**

There was no new business discussed.

**7. COMMENTS AND/OR SUGGESTIONS**

There were no comments and/or suggestions made.

**8. ADJOURNMENT**

There being no further business and no objections, the meeting was adjourned at 7:47 p.m.

Date Approved \_\_\_\_\_

\_\_\_\_\_  
Chair/Board Member